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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,611	06/02/2006	Michael Abel	24843N1PC17 US	4577
20311 7590 07/03/2008 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
MEISLIN, DEBRA S				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
07/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,611

Applicant(s)

ABEL ET AL.

Examiner

D. S. Meislin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-39, 43 and 47 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 December 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

1. Claim 38 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The spring tongue being formed by a wall "10" is not understood in view of the original disclosure and drawings. Note page 7, lines 25-27 of the specification. Such structure does not appear to be supported by the drawings.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spring tongue being formed by a wall "10" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: soft zones "8", cam "15", recess "17", base "3", projection "20". Such reference numbers appear to be directed to the deleted embodiment of original figure 1. Additionally, the substitute specification (e.g., page 8, lines 1-24) contains subject matter directed to the canceled drawings. The specification must be amended such that it is directed solely to the remaining embodiment.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the protruding stop "32" and the stop "33" must be shown or the feature(s) canceled from the claim(s). The

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drawings show the reference numbers but do not show the structure. No new matter should be entered.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. On page 7, lines 7-8, reference to foreign document as being incorporated by reference is improper. Appropriate correction is required.

7. The substitute specification filed March 25, 2008 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: a marked-up copy of the original specification has not been provided. A marked up copy of the specification must be provided.

8. Claims 27, 38, 43 and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 27, it is not clear as to how the latching position can be "eliminated". Such terminology appears to be misdescriptive.

In claim 38, the structure of the spring tongue formed by a wall of the compartment is not understood in view of the specification and drawings.

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In claim 43, "preferably only a partially open position" is vague and indefinite since the scope cannot be determined. Either the open position is partially open or it is not partially open.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 24-31 and 35-39 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Feng (5517885).

See figures 1-7 and flexible section "342" acting as a "push-button" as broadly claimed by applicant. The "push-button" is displaceable into a "pot-shaped" cutout counter to the force of a restoring spring (the spring of the flexible arms "342"), as broadly claimed by applicant. The push-button is located below an opening edge of a cutout "22, 231". The latching means includes a pivotable spring tongues with latching projections which interact with latching steps (see elements "341, 342, 22, 221").

11. Claims 24-27 and 35-36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Liao (2004/0094000).

See figures 2-4 and elastic key "351" acting as a "push-button" as broadly claimed by applicant. The "push-button" is displaceable into a "pot-shaped" cutout counter to the force of a restoring spring (the spring of the elastic key "351"), as broadly claimed by applicant. The push-button is located below an opening edge of a cutout "414".

12. Claims 24 and 35-36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hu (2004/0025650).

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 34, 43 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feng (5517885), Liao (2004/0094000) or Hu (2004/0025650) in view of Wu (6155143).

Feng, Liao or Hu disclose all of the claimed subject matter except for having a prestressed spring for moving two handle parts to an open position following pressure on an actuating zone. Wu discloses a prestressed spring for moving two handle parts to an open position following pressure on an actuating zone. See figures 1, 5 and 15-17 of Wu. It would have been obvious to one having ordinary skill in the art to form the device of Feng, Liao or Hu with a prestressed spring for moving the two handle parts to an open position following pressure on the actuating zone to form an automatically expandable device as taught by Wu.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S. Meislin/
Primary Examiner
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3 July 2008